

District Judge Marsha J. Pechman
Magistrate Judge Mary Alice Theiler

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MASSIMILIANO DELLAGUARDIA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney General
of the United States, et al.,

Respondents.

No. C06-01378-MJP-MAT

SECOND JOINT STIPULATION AND
ORDER CONTINUING RESPONDENTS'
RESPONSE DATE

(Noted for Consideration Today Pursuant
to Local Rule 7(d)(1))

COMES NOW the Petitioner, by and through his counsel, Jay Warren Stansell, and the Respondents, by and through their counsel, John McKay, United States Attorney for the Western District of Washington, and Kristin B. Johnson, Assistant United States Attorney for said District, and hereby stipulate and agree as follows:

WHEREAS Petitioner filed a Petition for Writ of Habeas Corpus on September 25, 2006 (Dkt. #3).

WHEREAS the Court initially issued an Order for Service, and for Return and Status Report requiring Respondents to file a return no later than November 1, 2006 (Dkt. #7).

WHEREAS the parties executed a Joint Stipulation and Order Continuing Respondents' Response Date, and agreed to a 30-day extension of Respondents' response because the Respondents were taking action to resolve this case; had filed a motion with the Immigration

1 Court to dismiss the removal proceedings currently pending against Petitioner; and such actions
2 would likely moot the issues in the pending habeas petition (Dkt. #11).

3 WHEREAS the Court issued an Order granting the parties' Joint Stipulation and continued
4 Respondents' response date to December 1, 2006 (Dkt. #12).

5 WHEREAS the parties agree that the Immigration Court has not yet acted on Respondents'
6 unopposed motion to dismiss the removal proceedings currently pending against Petitioner. But
7 the parties anticipate that the Immigration Court will act on the motion within the next two
8 weeks.

9 NOW THEREFORE, the parties, through their respective counsel of record, do hereby
10 stipulate and agree that:

11 1. The deadline for Respondents to file a return to Petitioner's Petition for Writ of Habeas
12 Corpus shall be extended two weeks until December 15, 2006.

13
14 SO STIPULATED.

15 DATED this 29th day of November, 2006.

16
17
18 s/ Jay W. Stansell
19 JAY W. STANSELL, WSBA #18752
Attorney for Petitioner

20 SO STIPULATED.

21 DATED this 29th day of November, 2006.

22
23 JOHN McKay
United States Attorney

24
25 s/ Kristin B. Johnson
26 KRISTIN B. JOHNSON, WSBA #28189
Assistant United States Attorney
27 Attorney for Respondents
28

ORDER

IT IS SO ORDERED.

DATED this 4th day of December, 2006.

s/ Mary Alice Theiler
United States Magistrate Judge